

Vol. 1
1957

IMMIGRATION POLICY

by

William A. Korn

	PAGE
CONGRESS AND IMMIGRATION LAW REVISION	85
Need to Regularize Entry of Hungarian Refugees	85
Principal Differences Over McCarran-Walter Act	88
EVOLUTION OF U.S. IMMIGRATION CONTROLS	90
Initiation of Restrictions on Immigration, 1882	91
Reasons for Growth of Demands for Limitation	92
Methods Used to Limit Entry After World War I	93
World War II DPs and Quarrel Over Quota System	94
Provisions of the McCarran-Walter Act of 1952	95
PROPOSALS FOR REVISION OF QUOTA SYSTEM	96
Bills to Carry Out President's Recommendations	97
Celler Substitute for Quotas by National Origin	97
Forces Affecting Votes of Members of Congress	99
Significant Current Issues in Immigration Policy	100

No. 5
Feb. 6

THE right to reproduce material contained in *Editorial Research Reports* is strictly reserved to the newspaper clients of the service. Verbatim use of such material by others will be permitted only upon written authorization of the editor.

RICHARD M. BOECKEL, *Editor*

Editorial Research Reports
1156 Nineteenth Street, N.W.
Washington

IMMIGRATION POLICY

UNITED STATES IMMIGRATION POLICY, thrown into sharp focus by the Hungarian refugee problem, faces thoroughgoing public and legislative scrutiny in the months ahead. President Eisenhower asked Congress, Jan. 31, for emergency legislation to deal with the refugee question. The President also renewed last year's recommendations for revision of certain provisions of the Immigration and Nationality Act of 1952, which embodies the nation's basic policy on admission of aliens. Other more far-reaching changes in that law have been proposed by certain members of Congress.

Better known as the McCarran-Walter Act—after its co-authors, the late Sen. Pat McCarran (D-Nev.) and Rep. Francis E. Walter (D-Pa.)—the basic immigration law has been a subject of continuing controversy since Congress put it on the statute books over President Truman's veto in June 1952.¹ Criticism has centered on allegedly discriminatory provisions of the 300-page omnibus measure. In 1953 and 1955 President Eisenhower requested Congress to revise the law, and in 1956 he asked for several specific amendments without success. The 1956 Democratic platform called for prompt action "to eliminate unfair provisions," while the Republican platform pledged support of "needed modifications" recommended by the President.

Defenders of the 1952 law as it stands are led by Rep. Walter, chairman of the House Judiciary subcommittee handling immigration matters, and Sen. James O. Eastland (D-Miss.), chairman of the Senate Judiciary Committee. Both are in position to exercise strong influence over the fate of administration bills and other measures to amend the act.

The immediate issue before Congress concerns the plight

¹ The veto was overridden in the House by a margin of 17 votes; in the Senate by a margin of one vote.

Editorial Research Reports

of refugees from Hungary. In a brief 30 days following the October 1956 uprising against Hungary's Communist regime, more than 100,000 Hungarians fled to Austria, placing an intolerable burden on that small country. The government at Washington first agreed to take 5,000 refugees, using for the purpose a block of visas still available under the Refugee Relief Act of 1953. On Dec. 1 the President increased the number to 21,500, of whom 6,500 would receive permanent immigrant visas under the 1953 law and 15,000 would be "paroled" in this country under a little-known provision of the McCarran-Walter Act.²

A month later, on Jan. 1, 1957, the President said that, in order to "prevent a stoppage of the flow of these refugees," an unspecified additional number would be granted entry under the parole provision "until such time as Congress acts." By the end of January, Austria had received more than 170,000 men, women, and children from Hungary, and of that number 105,000 had been evacuated to other countries. More than 24,000 refugees had entered the United States, the majority as parolees. Congress must enact new legislation before the parolees can receive legal status as immigrants.

CONGRESS AND ADMISSION OF HUNGARIANS ON PAROLE

Congress seems to have intended that the parole provision in the 1952 law should apply to no more than a handful of individual cases, but use of this authority was considered necessary in view of the limited number of visas remaining available under the Refugee Relief Act prior to its expiration on Dec. 31. The McCarran-Walter Act itself provides an annual quota of only 865 immigrant visas for Hungarians. Assertions that the President evaded the law's restrictions by giving a liberal interpretation to the provision for admission of parolees were implicitly confirmed by Vice President Nixon, following an inspection trip to Austria. In his Jan. 1 report to the President, Nixon said the parole authority, "if arbitrarily used, could completely circumvent the basic purposes and objectives of the immigration law." He added that "The circumstances

² The section provides that "The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall be dealt with in the same manner as that of any other applicant for admission to the United States."

Immigration Policy

and the limits under which this provision should be applied in the future should be spelled out by the Congress."

In his immigration message on Jan. 31 President Eisenhower requested permanent authority to admit each year, under the parole provision, a maximum of about 67,000 "escapees . . . who have fled or in the future flee from Communist persecution and tyranny."³ He asked also for discretionary power to allow such temporary parolees to remain as permanent residents. The requested authority would cover the Hungarian refugees already admitted and would allow the government "to act promptly and with assurance in facing emergencies which may arise in the future."

The possibility that Hungarian refugees admitted to the United States might include a generous sprinkling of Communists has caused concern in certain quarters. The McCarran-Walter Act laid down rigid standards aimed to keep known or suspected subversives out of the country, and the Refugee Relief Act specified that complete information on an applicant's activities during the previous two years must be made available before a visa was issued. At the same time, the Secretary of State and the Secretary of Defense were empowered to waive the latter requirement "in the national interest," and they did so in order to speed admission of Hungarian refugees. According to Rep. Walter, inadequate screening procedures permitted the entry of many Communists. However, the screening procedures were described in the Nixon report as adequate to prevent any "significant risk of internal subversion in this country."⁴

Concern has been expressed also over the economic consequences of admitting large numbers of refugees. Rep. Harold D. Cooley (D-N.C.) said on Dec. 31 that "If we take all the Hungarians who want asylum, we will find ourselves with no room or jobs for them." Rep. Walter Rogers (D-Tex.) warned four days later that "A troublesome situation could develop from the importation of skilled workers to replace our own citizens." But the Vice

³ The President said: "The number to whom such parole may be granted should not exceed in any one year the average number of aliens who, over the past eight years, have been permitted to enter the United States by special acts of Congress outside the basic immigration system." That number is about 67,000.

⁴ Immigration Commissioner Joseph M. Swing said, Jan. 25, that only three of the refugees admitted had been returned to Austria because of previous subversive activities.

Editorial Research Reports

President expressed his conviction "that the American economy can easily and profitably assimilate" the refugees entering the country, of whom "the large majority are young people—students, technicians, craftsmen, and professional people."

PRINCIPAL DIFFERENCES OVER McCARRAN-WALTER ACT

The numbers and kinds of immigrants to be admitted to the United States are at the root of the dispute over the McCarran-Walter Act. The law distinguishes between quota and non-quota immigration. Non-quota immigrants—chiefly natives of other Western Hemisphere countries and spouses and children of American citizens—may enter in unlimited numbers. But the annual total of quota immigrants is rigidly fixed at 154,857; and specific quotas are assigned to each country under a national origins system devised more than 30 years ago.

Under that system as now applied, more than half of the total number of places open annually to quota immigrants is assigned to Great Britain and Ireland, although in recent years neither country has filled its quota. Since unused quota numbers cannot be transferred from one country to another, total quota immigration has remained well under 100,000 in each of the years since 1952. Last year, for example, when the total number of immigrants exceeded 350,000, only about 90,000 quota immigrants were admitted. The non-quota immigration consisted mainly of 120,000 natives of the Western Hemisphere (chiefly Mexicans and Canadians); 35,000 wives, husbands, and children of U.S. citizens; and 82,000 other persons admitted under the now-expired Refugee Relief Act of 1953.

In practical effect, there is no fixed limit on total immigration to the United States, but the ceiling on quota immigrants serves to limit the influx from countries—primarily in southern and eastern Europe—where pressures to emigrate have been greatest in recent years. The Refugee Relief Act, which authorized 209,000 non-quota visas for persons in several categories, afforded some relief in that respect.⁵ When it developed that there were not enough Dutch, Greek, and Italian refugees to qualify for the available visas, Congress in 1954 opened the allotments (totaling 75,000) to natives in general of Holland, Greece, and

⁵ The State Department reported, Jan. 3, that 190,000 of the 209,000 visas authorized were issued before the act expired on Dec. 31, 1956.

Immigration Policy

Italy with relatives in the United States. Hereafter, however, immigration from Europe will be limited to the quotas assigned by the McCarran-Walter Act, unless Congress amends it or adopts special legislation.

Eisenhower urged a change in the quota system to allow about 65,000 more quota immigrants to enter the country each year. He proposed that the additional quota numbers go to the various countries in proportion to their respective shares of recent immigration. The President asked also for authority to pool and redistribute any unused quota numbers and for cancellation of the so-called mortgage clause of the Displaced Persons Act of 1948.

Many of the 400,000 immigrants admitted under the 1948 act came from low-quota countries. The law required, however, that all admissions above a country's quota be charged against future quotas—up to 50 per cent a year as long as necessary to absorb the excess. As a result, for example, Latvia under present law will have its annual quota of 235 cut in half for a period of more than 300 years, up to the year 2274.

OPPOSING ARGUMENTS OF DULLES AND EASTLAND

The President's quota proposals are similar to those he made last year. Testifying in their support, Secretary of State Dulles told a Senate subcommittee on Apr. 13:

Our quota restrictions should not discriminate among persons merely on the basis of their national origin, nor should the restrictions discriminate unfairly against any of the friendly nations which have an interest in common with us in the defense of the free world. The present system of determining quotas is offensive on both counts . . .

In my opinion, the national origins system, which draws a distinction between the blood of one person and the blood of another, cannot be reconciled with the fundamental concepts of our Declaration of Independence which, as Abraham Lincoln said, applied not only to this country but to all men and meant "that all should have an equal chance."

No action was taken on bills embodying the President's recommendations in 1956. However, on July 27, the last day of the 1956 session, the Senate agreed to a series of compromise amendments to a minor immigration bill. The most important of these would have (1) cancelled the 1948 "mortgage" clause, making an estimated 8,000 additional visas available to countries in Eastern Europe, and (2)

Editorial Research Reports

permitted limited distribution of about 18,500 unused quota numbers to countries with annual quotas under 7,000.

Arguing against these amendments, Judiciary Committee Chairman Eastland told the Senate:

The net effect . . . is to change the cultural pattern of our immigration system from northern and western Europeans to southern and eastern Europeans . . . I do not suggest that northern and western Europeans are better than southern and eastern Europeans, or that Europeans, as such, are better than Asiatics. However, our whole immigration system is based upon the concept that for maximum assimilation and for the maintenance of our traditional concepts of liberty, it is in the public interest for us to maintain in our immigration system a pattern proportional to the cultural composition of our population.

The Senate passed the amended bill by voice vote, but the House failed to act and the measure died with the adjournment of Congress. The outbreak of rebellion in Hungary three months later added an important new factor to the debate over immigration policy. The essential argument nevertheless remains as expressed in the opposing statements of Secretary Dulles and Sen. Eastland.

Evolution of U.S. Immigration Controls

THE UNITED STATES during most of the 19th century had no explicit policy on immigration. Foreigners entered the country without restriction. The frontier beckoned, economic opportunities abounded, and most Americans took it for granted that sooner or later all immigrants would be assimilated.

Immigration first reached an annual total of 100,000 in 1842. Almost all the newcomers that year were from Ireland (51,000), Great Britain (22,000), and Germany (20,000). Over the ten years 1846-55 the influx totaled 3 million, consisting largely of 1.3 million Irish driven from their homes by a disastrous famine, and 1 million Germans fleeing the mid-century political upheavals of Central Europe. After the Civil War, German immigrants took the lead for a decade, but England and Ireland continued to supply one-third of the whole number for some years.⁶

⁶ Department of Commerce, *Historical Statistics of the United States, 1789-1915*.

Immigration Policy

Irish immigrants, who settled in eastern cities in large numbers and soon became active in Democratic machine politics, were the first nationality group to meet strong nativist hostility. In the 1850s the American (Know-Nothing) party flourished briefly on an anti-Catholic, anti-immigrant platform advocating that the foreign-born be denied the right to hold public office. German entrants, who gravitated to the Middle West and affiliated with the Republican party, also were attacked by leaders of the Know-Nothing movement. But the nativist-immigrant conflict was soon obscured by the overriding issue of Negro slavery.

INITIATION OF RESTRICTIONS ON IMMIGRATION, 1882

The census of 1870 revealed that, in a total white population of 33.6 million, 5.5 million were foreign-born. These immigrants, together with their 5.3 million native-born children, constituted one-third of the total white population of the United States. Although the economy was still predominantly agricultural, "The boasted fluidity of a frontier culture was giving way to an industrial system that separated workers from their boss and created sharp contrasts between rich and poor."⁷ Concern over the competition of foreign-born workers grew.

Racial feelings prompted the first break with the tradition of unlimited immigration. A heavy influx of Chinese laborers in the 1870s led to riots on the West Coast and to demands for restrictive legislation. A treaty of 1868 with China had recognized "the mutual advantage of free migration and emigration," but public pressure forced President Hayes to renegotiate the instrument in 1880 to include recognition of the right of the United States to "regulate, limit, or suspend" entry of Chinese laborers. On May 6, 1882, Congress suspended Chinese immigration for ten years; later it made the exclusion permanent.⁸

The first general immigration law also was passed by Congress in 1882. That statute denied admission to convicts, lunatics, idiots, and persons likely to become public charges. It provided in addition for creation of an immigrant welfare fund, to be accumulated by collecting 50¢ from each entrant.

⁷ John Higham, "American Immigration in Historical Perspective," *Law and Contemporary Problems*, Spring 1956, p. 214.

⁸ See "Oriental Exclusion," *E.R.R.*, Vol. I 1943, pp. 364-369. Almost 40,000 Chinese entered in the fiscal year 1882, the largest number for any one year.

Editorial Research Reports

A business depression which began toward the end of 1883 and which contributed to rapid growth of the Knights of Labor—first mass movement of American workmen—focused attention on some of the unfavorable economic aspects of immigration. The Knights “resented fiercely the way that coal operators in Pennsylvania were bringing in carloads of foreigners to break strikes and hold down wages.”⁹ Congress in 1885 enacted a contract labor law which barred anyone from paying an immigrant’s passage in return for a promise of his services. This statutory ban was extended in 1891 to curb the widespread practice of advertising abroad for workers. The 1891 law placed in federal hands the task, formerly left to the states, of examining immigrants; it provided also for deportation of aliens who had entered illegally or who had become public charges.

REASONS FOR GROWTH OF DEMANDS FOR LIMITATION

Nourished by industrial discontent and by the changing character of the flow of persons from abroad, restrictionist sentiment increased in the 1890s. The proportion of Austro-Hungarian, Italian, and Russian immigrants was then rising, while the proportion of English, German, Irish, and Scandinavian arrivals was declining.¹⁰ This shift from the “old” to the “new” immigration prompted the Immigration Restriction League to press for a literacy test as a means of cutting arrivals from southern and eastern Europe. Sen. Henry Cabot Lodge (R-Mass.) championed the proposal, which won the approval of a Republican Congress in 1896 only to be vetoed by the outgoing Democratic President, Grover Cleveland.

Pressure for restrictions mounted after 1900 as immigration began to assume tidal-wave proportions. From 1905 through 1914 more than ten million immigrants entered—2.3 million from Austria-Hungary, 2.2 million from Italy, and 2 million from Russia. Most of these settled in the cities as unskilled laborers—a fact that was stressed in a 42-volume report of the United States Immigration Commission in 1911. New literacy test bills were vetoed by President Taft in 1913 and by President Wilson in 1915. Congress overrode a second Wilson veto in 1917 and directed that all adult applicants not able to read some lan-

⁹ Elgham, *op. cit.*, p. 217.

¹⁰ Arrivals from both Austria-Hungary and Italy passed the 100,000 mark by 1900; with 90,000 Russians, they accounted for two-thirds of all immigrants that year.

Immigration Policy

guage be excluded: The law of Feb. 5, 1917, denied admission also to virtually all Asiatic peoples and, for the first time, made advocacy of "the overthrow by force or violence of the government of the United States" a ground for both exclusion and deportation of aliens.

METHODS USED TO LIMIT ENTRY AFTER WORLD WAR I

After World War I immigration rose sharply—to 430,000 in 1920 and to 805,000 in 1921. Reports circulated that literally millions of Europeans were preparing to descend on the United States. In this atmosphere Congress placed the first quantitative limitations on immigration. Using the 1910 census as a base, a law enacted in 1921 assigned to each European country an annual quota equal to 3 per cent of the number of foreign-born of that nationality in the United States.¹¹ Most of the total quota of 357,000 went to Great Britain and Ireland (77,000), Germany (68,000), Italy (42,000), Russia (34,000), and Poland (26,000).

Loopholes in the 1921 law led to demands for new and more restrictive methods of limiting immigration. The statute approved in 1924 set up two systems, one to take effect immediately and the other—the national origins system—to become effective in 1927. The first and temporary method retained the concept of relating immigration to the number of foreign-born but shifted the base for computations from the 1910 to the 1890 census and cut the quota from 3 to 2 per cent. The net effect was to reduce total quota (mostly European) immigration to 165,000 a year and to shift the balance radically in favor of the "old" immigration. Italy's annual quota was cut below 4,000 and that of Russia to about 2,200. Altogether, about 85 per cent of the total quota went to countries of northern and western Europe.

The national origins system, sponsored by Sen. David A. Reed (R-Pa.) and written into the 1924 law as permanent legislation, was designed to preserve the nation's ethnic balance.¹² It divided a total annual immigration quota of 150,000 among the various countries of Europe in the same

¹¹ Natives of Western Hemisphere countries were then, as now, exempted from quota limits.

¹² According to Reed, "The method . . . of basing quotas on the foreign-born . . . disregards entirely those of us who are most interested in keeping American stock up to the highest standard—that is, the people who were born here."

Editorial Research Reports

way that the population of the United States in 1920 was divided among groups whose family origin was attributable to the respective countries.

The national origins system made little change in the generally low quotas assigned, on the basis of the 1890 census, to southern and eastern Europe. But it produced marked shifts among the quotas assigned to northern and western Europe. The British quota was almost doubled, to 66,000, while that of Germany was cut in half, to 26,000. German, Irish, and Scandinavian groups joined in a cry for repeal of the law, but without success. After two postponements, the national origins system was put into effect by presidential proclamation in 1929.

The 1924 law continued to exempt from quota restrictions natives of Canada, Mexico, and other Western Hemisphere countries, and the wives and children of American citizens. The law also made U.S. consular officers responsible for screening prospective immigrants abroad, in order to end hardships that resulted from wholesale exclusions after immigrants had arrived at United States ports.¹³

WORLD WAR II DPs AND QUARREL OVER QUOTA SYSTEM

Immigration fell sharply during the depression and war years.¹⁴ The only notable departures from previous policy came in 1940 when the Smith Act provided for registration of all aliens, and in 1943 when Congress, in a gesture of friendship for a war ally, gave China a token annual immigration quota of 105.

After World War II, widespread concern arose over the plight of a million refugees from the Communist-dominated lands of Eastern Europe. Repatriation was out of the question, and Western Europe was in no position to absorb the refugees.¹⁵ At the urging of President Truman, Congress in 1948 adopted the Displaced Persons Act which, as later amended, allowed admission to the United States of almost 400,000 persons outside annual quotas.

Passage of the 1948 act led to demands for a general overhaul of the country's immigration and naturalization statutes. Congressional hearings in 1951 revealed a sharp

¹³ In the fiscal year 1924 more than 30,000 were refused entry after arrival.

¹⁴ In the whole period 1931-35 alien emigrants outnumbered immigrants by 100,000, and from 1931 through 1945 immigration from all countries never exceeded 100,000 annually.

¹⁵ See "Assimilation of Refugees," *E.R.R.*, Vol. II 1954, p. 785.

Immigration Policy

liberal-conservative cleavage over the quota system and many other aspects of the immigration problem. The American Legion and a number of patriotic organizations backed similar bills offered by Sen. McCarran and Rep. Walter. A more liberal omnibus bill, sponsored by Sens. Hubert H. Humphrey (D-Minn.) and Herbert H. Lehman (D-N.Y.), was supported by most church groups and the Congress of Industrial Organizations.

Early in 1952 the Senate Judiciary Committee reported the McCarran bill. A minority report said the measure "fails to modify present arbitrary restrictions on immigration, fails to modernize our anachronistic quota system, and fails to establish administrative procedures consonant with our democratic tradition of fair play." McCarran asserted that senators opposing his bill "would wittingly or unwittingly lend themselves to efforts which would poison the bloodstream of the country." He called a Humphrey-Lehman proposal to pool and redistribute unused quota numbers "the most dangerous of all" amendments offered.

The McCarran-Walter measure was sent to the White House without substantial change. When President Truman returned it without his signature, he said that it would "perpetuate injustices of long standing against many other nations of the world, hamper the efforts we are making to rally the men of East and West alike to the cause of freedom, and intensify the repressive and inhumane aspects of our immigration procedures." The House voted June 26, 1952, to override the veto, 278-113; next day the Senate did the same, 57-26.¹⁶

PROVISIONS OF THE MCCARRAN-WALTER ACT OF 1952

The McCarran-Walter Act was a complete codification of federal law on admission of immigrant and non-immigrant aliens and on naturalization and deportation procedures. Its major provisions:

Retained the 1924 national origins system but made the quota for each country a flat one-sixth of 1 per cent of the number of inhabitants in 1920 whose origin was attributable to that country.

Ended the last vestiges of Asiatic exclusion by assigning a minimum quota of 100 to each quota area.

¹⁶ In the House, 170 Republicans and 107 Democrats (and one Independent) voted to override, while 23 Republicans and 90 Democrats voted to sustain the veto. In the Senate, Republicans split 32-8, Democrats 25-18. Southern Democrats voted almost solidly to override. In New York City, where there is a high concentration of foreign-born, only two of 24 representatives voted to override.

Editorial Research Reports

Continued the ban on transferring quotas from one country to another and on carrying unused quotas over from one year to another.

Provided that the first 50 per cent of visas within a quota go to skilled persons and their families, the next 30 per cent to parents of American citizens, and the remaining 20 per cent to spouses and children of aliens admitted for permanent residence.

Continued exemption of natives of the Western Hemisphere, and spouses and children of U.S. citizens, from quota restrictions.

The 1952 law made extensive provisions for screening non-immigrant aliens seeking to visit the United States, as well as would-be immigrants. Grounds for exclusion were broadened and fingerprinting of all aliens entering the country was required. Grounds for deporting aliens and denaturalizing citizens were enlarged.

Proposals for Revision of Quota System

THE MINIMUM CHANGES proposed in the quota provisions of the McCarran-Walter Act call for pooling and redistributing unused quota numbers and cancelling the 1948 "mortgage" clause. Beyond this, proposals extend all the way to substitution of an entirely new method of allocating immigrant visas. Some form of regulation, however, is basic to all current proposals. As put by Sen. Arthur V. Watkins (R-Utah) during last year's debate, "I know of no responsible official at this time who desires to open wide our gates to all of those who might want to come to our shores to make their homes."

Both the pooling and the mortgage cancellation proposals are intended to bring the number of quota immigrants actually admitted up to the legal maximum of 154,857. In fiscal 1956, for example, only 89,310 quota immigrants were admitted. Of the 65,547 quota numbers not used, 56,446 belonged to the British and Irish quotas. The pooling provision in the bill which passed the Senate in 1956 would have made only a portion of the unused numbers available for redistribution to countries with quotas of less than 7,000.¹⁷

¹⁷ Great Britain, Ireland, and Germany are the only countries with quotas of more than 7,000. Twelve countries have quotas ranging from 1,000 to 7,000. The entire quota for Asia is 2,990, for Africa 1,600, for Oceania 600.

Immigration Policy

The President's proposals are incorporated in companion bills introduced by Sen. Watkins and Rep. Kenneth B. Keating (R-N.Y.). These provide for redistributing all unused quota numbers within four regional pools—Europe, Asia, Africa, and Oceania.¹⁸ The Watkins-Keating bills also would make the total immigration quota equal to one-seventh of 1 per cent of the population of the United States in 1950, and thereby increase the annual quota from the present 154,857 to 219,461. The additional 65,000 quota numbers, however, would not be allocated on the basis of the national origins system; they would go to the various countries in proportion to their respective shares of actual immigration since 1924.

Somewhat different formulas are contained in bills sponsored by Reps. Edward P. Boland (D-Mass.) and Albert W. Cretella (R-Conn.). The latter measures would authorize the President to distribute all unused quota numbers to countries with quotas under 7,000 without regard to their location. While providing likewise for use of the 1950 census, they would make no other change in the national origins formula of the McCarran-Walter Act. Thus "The annual quota for any quota area shall be one-sixth of 1 per centum of the number of inhabitants in the continental United States in 1950 attributable by national origin to such area."

The national origins formula is confined in effect to a count of the white population, which numbered 95 million in 1920 and 135 million in 1950. So the total quota derived by use of the Boland-Cretella formula would be substantially the same as that produced by using the Watkins-Keating formula. Either method would give proportionately larger quotas to countries of southern and eastern Europe.¹⁹

CELLER SUBSTITUTE FOR QUOTAS BY NATIONAL ORIGIN

An entirely different approach to the quota problem is offered in a bill introduced on Jan. 22 by Rep. Emanuel Celler (D-N.Y.), chairman of the House Judiciary Com-

¹⁸ This provision would bar distribution of Great Britain's unused quota numbers to any countries outside Europe.

¹⁹ Italy's present quota of 5,645 would be doubled to an estimated 11,500 under the Boland-Cretella bills. For this reason, Sen. Irving M. Ives (R-N.Y.), who has introduced similar legislation, changed the provision in his bill relating to unused quota numbers to permit redistribution to countries with quotas of less than 12,000 instead of 7,000.

Editorial Research Reports

mittee.²⁰ The Celler bill proposes a complete substitute for the McCarran-Walter Act. Its key provisions would:

Limit quota immigration to 250,000 annually.

Subject immigrants from Western Hemisphere countries to the quota system.

Authorize the President to assign up to 50 per cent of quota visas annually to relatives of U.S. citizens and of aliens previously admitted.²¹

Authorize assignment of up to 20 per cent of quota visas annually to each of the following four groups: (1) Persons with special skills, (2) refugees, (3) persons "whose coming will advance the national interest," and (4) other persons.

Limit to 15 per cent the number of visas in any class allocated to one country.

The net effect of the Celler bill would be to abolish the system of fixed immigration quotas for individual countries and substitute a large measure of administrative discretion as to the nationality of immigrants to be admitted. In theory, 15 per cent of the 250,000 quota, or 37,500 visas, could be assigned to one country, provided there were enough applicants in each of the five classes to qualify for visas.

As a practical matter, the only country which would be penalized by adoption of the proposal would be Mexico. Mexican immigrants admitted to the United States (not including non-immigrants entering for seasonal jobs or "wetbacks" entering illegally) numbered 37,500 in fiscal 1954, 50,800 in fiscal 1955, and 65,000 in fiscal 1956. Although immigration specialists are concerned over the lack of any limit on immigration from Mexico and other countries of the Western Hemisphere, they recognize the disadvantages of applying fixed quotas in the case of the "good neighbor" countries. The Celler proposal would meet the problem by placing all peoples and nations on the same footing.

Rep. Walter has agreed to hold hearings on the Celler bill, but its supporters concede that there is little chance of its enactment. Rep. Keating, ranking minority member of the House Judiciary Committee, says "It is simply unrealistic to have the national origins principle scrapped. . . . Only a moderate approach will work."

²⁰ This measure resembles in many respects a bill sponsored by Celler and former Sen. Lehman in the 84th Congress.

²¹ Parents of American citizens would be admitted without regard to quotas.

Immigration Policy

Historically, Congress has been responsive to domestic pressures in defining immigration policy; while the President has tended to stress the effects of American action on the country's relations with foreign nations. From the first clash over Chinese exclusion, through the long dispute over the literacy test, to the fight over the McCarran-Walter Act, Congress has taken the side of restriction over protests of the Executive Branch.

This intrinsic conflict of interest has sharpened since World War II, as the United States has assumed the increased responsibilities of world leadership. President Eisenhower's decision to admit a large number of Hungarian refugees, for example, appears to have been influenced by a desire to extract fullest possible psychological benefits from differences between the Soviet Union and its satellite. Yet national immigration policy, as defined in the McCarran-Walter Act, makes no provision for taking advantage of such opportunities. The act, in the eyes of both its defenders and assailants, is designed more to discourage than to encourage the admittance of foreigners.

FORCES AFFECTING VOTES OF MEMBERS OF CONGRESS

Congress is itself divided over the issue. There appears to be a high degree of correlation between the views of its members and the numbers of foreign-born and second-generation Americans in their constituencies. A study of the House vote on the Refugee Relief Act of 1953 showed that representatives from districts with a foreign white stock of less than 5 per cent of their 1950 population voted overwhelmingly (105-15) against the bill, while those from districts with more than 25 per cent voted heavily (127-15) for the bill.²²

The same study revealed that 99 of the 123 districts with a foreign white stock of less than 5 per cent are in the South, and that 93 of 158 districts with a foreign white stock of more than 25 per cent are in the East. Party lines are obscured by the fact that Democrats represent most southern districts as well as most of the urban districts in the East and Midwest which have the highest concentration of foreign-born.²³ Republican-held districts,

²² Congressional Quarterly, *Weekly Report*, July 13, 1956, p. 817.

²³ For example, the 1950 census showed less than 2,000 foreign-born in the Texas district held by Rep. Burleson, more than 100,000 in the New York City district held by Rep. Celler.

Editorial Research Reports

however, show a similar spread in concentration of foreign-born and the same correlation with voting patterns on the immigration question.

The influence of foreign-born voters on immigration policy is limited by their heavy concentration in urban areas and in the more populous states.²⁴ They can, and do, exact pledges from presidential aspirants and other candidates, but the senators and representatives they help to elect are outnumbered by members from areas with little interest in widening the doors for immigration. Moreover, recent rates of immigration are too low to halt a downward trend in the ratio of this portion of the population to the total. In 1910, 13.5 million foreign-born formed almost 15 per cent of the total U.S. population; by 1950, the number was down to 10.3 million, or barely 7 per cent of the total population. The foreign white stock—first and second generations together—dropped from almost 40 per cent of the total white population in 1910 to 25 per cent in 1950.

SIGNIFICANT CURRENT ISSUES IN IMMIGRATION POLICY

Despite the decreasing role of immigration in the growth of the country's population, it is the highly-charged dispute over the national origins system which dominates the current policy controversy. The economic aspects of immigration, which once led American industry to champion, and labor to oppose, free entry, are no longer considered important except in isolated cases.²⁵ There appears to be fairly general agreement that the nation's economy can absorb without strain a flow of roughly 250,000 immigrants a year. However, Rep. Walter voiced doubt, Feb. 1, that the country could well stand the doubling of annual arrivals which he foresaw from acceptance of the President's proposals.

In view of the fact [Walter said] that four million Americans are being brought into the world each year, I do not believe that this country's housing and educational facilities, institutions of health and welfare, and employment opportunities are sufficient

²⁴ In 1950, 83.7 per cent of the foreign-born white population lived in urban areas, compared to 64.3 per cent for the total white population. See E. P. Hutchinson, *Immigrants and Their Children, 1880-1950* (1956).

²⁵ The executive council of the A.F.L.-C.I.O., in session at Miami Beach on Feb. 8, called for admission of as many as 100,000 refugees from Hungary. It said the Hungarians possessed "intellectual and industrial skills which will add further strength to America, just as other millions of immigrants throughout the years have enriched our country." One of the isolated cases in which immigration has had a direct economic impact has been that of Mexican labor, both itinerant and permanent, in the southwestern states.

Immigration Policy

to accommodate the additional number of those that would have to be integrated into our economy.

Interest in the economic side of the immigration question has centered recently, for the most part, on the country's need of technicians and skilled workers. The Vice President's Jan. 1 report stressed the value to the economy of the relatively large numbers of skilled persons among the Hungarian refugees admitted. The Celler bill would provide a maximum of 50,000 visas for persons with special skills. However, experience under present law, which gives priority to this group, has proved disappointing. Only a fraction of the visas allotted for skilled workers have been used. In normal times, according to the National Manpower Council, no more than 10,000 skilled workers a year can be expected to enter as immigrants.²⁶ Rep. Thomas J. Lane (D-Mass.) urged, Jan. 31, that 25,000 Russian technicians, scientists, and engineers be admitted to the United States annually—"after careful screening to make certain they are opposed to Communism"—as a means of encouraging defection by the Soviet Union's "best technical brains."

Those who seek liberalization of the quota system have also been pressing general foreign policy considerations. Their plea is for increased power in the hands of the President to deal with such situations as over-population in Italy, or political upheaval in the Communist world, by allowing some of the victims of such conditions to enter the United States. In the past, Congress has met this need by enacting special legislation while leaving basic policy unchanged. In present context that would mean a law to permit a certain number of refugees to enter outside quotas, with little or no disturbance of the quota system itself. In the view of close observers, such action is the most likely outcome of the current drive for wholesale revision of United States immigration policy.

²⁶ See "Shortage of Critical Skills," *E.R.R.*, Vol. II 1956, p. 838.



